

Notice of Allowability

Application No.

09/724,778

Applicant(s)

FINER ET AL.

Examiner

Tamthom N. Truong

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 2-14-05.
2. ☒ The allowed claim(s) is/are 18, 19, 65, 67, 76, 82 and 84.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2-14-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1624

Art Unit: 1624

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 2-14-05 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2-14-05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

No relevant prior art is found to teach or fairly suggest the method of treating cancer using the particular quinazolinone compounds as recited in pending claims 18, 19, 65, 67, 76, 82 and 84. Therefore, said claims are allowed again.

Art Unit: 1624

The following Examiner's Amendment was authorized by Ms. Lauren Stevens on 11-08-04, which would still be in effect.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Lauren Stevens on 11-08-04.

The application has been amended as follows:

Claim 18: line 1, after the word 'cancer' insert the phrase – in a mammal --, and on the same line, after the word 'administering', insert – to said mammal --.

Claim 67: line 1, after the word 'cancer' insert the phrase – in a mammal --, and line 2, after the word 'administering', insert – to said mammal --.

Allowable Subject Matter

Claims 1-17, 20-64, 66, 68-75, 77-81, 83, and 85-91 have been cancelled by the amendment of 09-02-04. Therefore, only claims 18, 19, 65, 67, 76, 82, and 84 are allowed.

Applicant's argument in the reply of 09-02-04 has overcome the previous rejection of "Scope of Enablement". The cancellation of claims 85-91 has also overcome the previous 102(e) rejection based on **Baxter et. al.** (US'005). Thus, all previous rejections are overcome or withdrawn, and claims 18, 19, 65, 67, 76, 82, and 84 are allowed.

The following is an examiner's statement of reasons for allowance:

The invention is drawn to methods for treating cancer using quinazolinone compounds substituted with *benzyl* or *halobenzyl*, and *phenyl-carbonylamino-C(R₂)(R₂')*, and $(CH_2)_mOH$ or $(CH_2)_pR_{16}$. The teachings of the closest prior art of record, Baxter et. al. and Schall et. al., show quinazolinone compounds substituted with *phenyl* at the 6th position for treating cancer. However, said teachings do not have equivalent teaching for *benzyl* or *halobenzyl* at the same position. Furthermore, they fail to teach the combination of substituents equivalent to those represented by the instant R₁, R₃, and R₄. Therefore, the prior art does not anticipate or render obvious the instantly claimed methods.

An update search yields references cited on PTO-892. Due to their late effective filing dates, they are not competent prior arts.

Art Unit: 1624

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

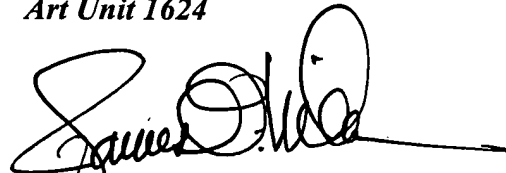
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 571-272-0676. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9-27-05


Tamthom N. Truong
Examiner
Art Unit 1624


JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600